

**AGENDA:** May 27, 2003

**4.11**

**CATEGORY:** Consent

**DEPT.:** Public Works

**TITLE:** Frank L. Huff School Storm Drainage  
Improvements, Projects 01-11 and 02-11—  
Award Construction Contract

### **RECOMMENDATION**

1. Reject the bids submitted by Stoloski & Gonzales, Inc. of Half Moon Bay and Casey Construction of Redwood City as nonresponsive bids.
2. Award the Frank L. Huff School Storm Drainage Improvements, Projects 01-11 and 02-11, to the third low bidder, Gilbert Excavating, Inc. of Livermore, California, at the bid price of \$89,900 and authorize a construction contingency of \$10,000.

### **FISCAL IMPACT**

The Frank L. Huff School Storm Drainage Improvements, Project 02-11, is funded from the Annual Developer Reimbursement, Projects 01-11 and 02-11. These projects are funded annually in the Capital Improvement Program (CIP) to install or reimburse developers for installing off-site improvements with area-wide benefits. There is a combined balance of \$155,900 available for the storm drainage improvement project. The award of the contract, if approved, will result in a total project cost of \$139,000, which is below the available fund balance.

### **BACKGROUND AND ANALYSIS**

On April 8, 2003, the Council approved the plans and specifications for Frank L. Huff School Storm Drainage Improvements, Project 02-11, and authorized staff to advertise the project for bids. The project was advertised on April 16, 2003. On May 7, 2003, five bids were received and opened. The bids range from \$80,091 to \$93,935. The low bid of \$80,091 was submitted by Stoloski & Gonzales, Inc. (Stoloski) of Half Moon Bay. The second low bid of \$82,278 was submitted by Casey Construction (Casey) of Redwood City (Attachment 1). Unfortunately, both of these bids are nonresponsive because the bidders failed to list a landscape subcontractor in their bids, which is a violation of Section 4104 of the Public Contract Code for the following reasons:

1. The project specifications specifically required a licensed landscape contractor (C27 license) to perform the landscape restoration work on the school property.

2. Neither Stoloski nor Casey has a landscape contractor license; therefore, the work must be performed by a subcontractor with the required license.
3. Stoloski's and Casey's bids for the landscape restoration work are 6.5 percent and 7.6 percent, respectively, of their individual aggregate bids, which are greater than the one-half of 1 percent threshold for listing subcontractors.

Staff recommends that the Council reject the bids from Stoloski and Casey as nonresponsive bids. Staff also recommends awarding the contract to the third low bidder, Gilbert Excavating, Inc. of Livermore at the bid price of \$89,900, which is 6 percent higher than the Engineer's Estimate and about 12 percent higher than the nonresponsive low bid. Due to a time constraint to complete the work before the fall school semester starts in September and the uncertainty of receiving a lower responsive bid, rebidding the project is not recommended.

The estimated cost of the project, based on the third low bid price, is as follows:

Construction	\$ 89,900
Construction Contingency	10,000
Survey and Mapping	12,000
City Design	10,000
Inspection and Testing	7,500
Miscellaneous	<u>1,100</u>
Subtotal	\$130,500
City Administration @ 6.5%	<u>8,500</u>
TOTAL	<u>\$139,000</u>

Construction of the project could begin in June 2003, and all work should be completed by the end of August 2003. In accordance with the requirements of the California Environmental Quality Act (CEQA), this project has been determined to be categorically exempt as a Class 3(d), Section 15303, of the CEQA Guidelines.

**AGENDA:** May 27, 2003

**PAGE:** 3

**PUBLIC NOTICING**—Agenda posting.

Prepared by:

Approved by:

Sivyong Chen  
Associate Civil Engineer

Cathy R. Lazarus  
Public Works Director

Kevin C. Duggan  
City Manager

SC/8/CAM  
910-05-27-03M^

Attachment: 1. Bid Summary

cc: Mr. Ron Gilbert  
Gilbert Excavating, Inc.  
1824 Holmes Street  
Livermore, CA 94550

Mr. Marcus Stoloski  
Stoloski & Gonzales, Inc.  
225 South Cabrillo Highway, No. 106-B  
Half Moon Bay, CA 94019

Mr. Mel Casey  
Casey Construction  
620 Handley Trail  
Redwood City, CA 94062

Mr. Marco Tejeda  
Sandis Humber Jones  
605 Castro Street  
Mountain View, CA 94041

APWD—Ko, DE, SCE—Muench/ACE—Chen, CE, LOE, SAA—Irwin, F/c